

AN ACT

relating to the storage and recovery of water in a portion of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.44, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended by amending Subsections (c) and (e) and adding Subsections (c-1) and (e-1) to read as follows:

(c) Except as provided by Subsection (c-1), the [The] political subdivision causing artificial recharge of the aquifer is entitled to withdraw during any 12-month period the measured amount of water actually injected or artificially recharged during the preceding 12-month period, as demonstrated and established by expert testimony, less an amount determined by the authority to:

(1) account for that part of the artificially recharged water discharged through springs; and

(2) compensate the authority in lieu of users' fees.

(c-1) A political subdivision or municipally owned utility causing artificial recharge of a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter is entitled to withdraw the measured amount of water actually injected or artificially recharged.

(e) The authority may contract for injection or artificial

1 recharge under this section only if provision is made for
2 protecting and maintaining the quality of groundwater in the
3 receiving part of the aquifer, and:

4 (1) the water used for artificial recharge is
5 groundwater withdrawn from the aquifer; [~~or~~]

6 (2) the water is recharged through a natural recharge
7 feature; or

8 (3) the water is injected by a municipally owned
9 utility owned by the City of New Braunfels, and:

10 (A) the water has a total dissolved solids
11 concentration of less than 1,500 milligrams per liter and is not
12 domestic wastewater, municipal wastewater, or reclaimed water as
13 those terms are defined by 30 T.A.C. Chapter 210, effective October
14 31, 2018;

15 (B) the injection well terminates in a portion of
16 the aquifer that contains groundwater with a total dissolved solids
17 concentration of more than 5,000 milligrams per liter; and

18 (C) if the water injected is state water, the
19 utility has a water right or contract for use of the water that does
20 not prohibit use of the water in an aquifer storage and recovery
21 project.

22 (e-1) The injection or withdrawal of water under Subsection
23 (c-1) or (e)(3) must comply with requirements imposed under
24 Subchapter G, Chapter 27, Water Code.

25 SECTION 2. Section 27.051(i), Water Code, is amended to
26 read as follows:

27 (i) For purposes of this subsection, "Edwards Aquifer" has

1 the meaning assigned by Section 26.046(a). Except as otherwise
2 provided by this subsection, the [The] commission may not authorize
3 by rule or permit an injection well that transects or terminates in
4 the Edwards Aquifer. The commission by rule may authorize:

5 (1) injection of groundwater withdrawn from the
6 Edwards Aquifer; ~~or~~

7 (2) injections of storm water, flood water, or
8 groundwater through improved sinkholes or caves located in karst
9 topographic areas; or

10 (3) injections of water made in accordance with
11 Section 1.44(e)(3), Chapter 626, Acts of the 73rd Legislature,
12 Regular Session, 1993. [~~For purposes of this subsection, "Edwards~~
13 ~~Aquifer" has the meaning assigned by Section 26.046(a).~~]

14 SECTION 3. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 520 passed the Senate on April 17, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2019, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 520 passed the House, with amendment, on May 22, 2019, by the following vote: Yeas 139, Nays 5, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor